

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

SCOTT HENDRICKS individually and
on behalf of a class of similarly situated persons

PLAINTIFF

v. No. 4:12CV00069 JLH (Lead)

ENERGY, L.P.; and
ENERGY PROPANE, L.L.C.

DEFENDANTS

* * * * * consolidated with * * * * *

JASON VICKERS, individually and on
behalf of all other persons similarly situated

PLAINTIFF

v. No. 4:12CV00136 JLH

ENERGY TRANSPORTATION, LLC;
ENERGY, L.P.; and INERGY HOLDINGS, L.P.

DEFENDANTS

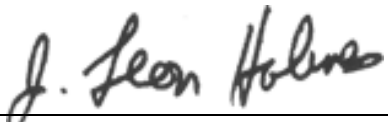
ORDER

Jason Vickers commenced this action against Inergy Transportation, LLC, Inergy, L.P., and Inergy Holdings, L.P., pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, and the Minimum Wage Act of the State of Arkansas, Ark. Code Ann. §§ 11-4-201 *et seq.* The defendants have moved to dismiss the complaint pursuant to Rule 12(b)(6) or, in the alternative, for a more definite statement. Vickers has responded with fairly cursory arguments to the effect that the complaint states a claim upon which relief should be granted. Vickers requests, however, if any portion of the complaint is found not to state a claim that he be given an opportunity to amend. Without going into detail at this time, it does appear that some of Vickers' essential allegations consist of nothing more than conclusions and that some aspects of his complaint appear to seek relief of the sort that he does not have standing to seek. Because Vickers is entitled to and has requested an opportunity to amend should the Court find that any portion of his complaint fails to state a claim,

the Court will grant the motion to dismiss and grant Vickers an opportunity to amend, while reserving comment on the legal issues unless and until it becomes necessary to address them. Specifically, Vickers should make sure that he pleads claims with sufficient specificity to satisfy the Federal Rules of Civil Procedure and that he has standing to seek all of the relief that he requests. With respect to the arguments asserted by the defendants related to the putative FLSA collective action and the Rule 23 class action, the Court will reserve ruling unless and until there is a motion to certify a class action, a collective action, or both.

The motion to dismiss is therefore granted. Document #6. The complaint of Jason Vickers is dismissed without prejudice. Jason Vickers will be given thirty (30) days within which to file a motion for leave to amend. Pursuant to Local Rule 5.5(e), the proposed amended complaint should be attached to the motion for leave to amend.

IT IS SO ORDERED this 6th day of August, 2012.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE